

APPROVED

PLANNING COMMISSION SUBCOMMITTEE MINUTES

January 23, 2008

I. ROLL CALL

Present: Ali-Santosa and Tabladillo
Absent: Williams
Staff: Ah Sing, Bejines, Kunsman, Lindsay and Ogaz

1. SITE & ARCHITECTURAL REVIEW NO. SA07-0006

Tiffany Kunsman, Project Planner, presented a request to add a decorative amenity (Grotto) with a water fountain to St. John's Church. The Grotto is placed on the south west portion of the site facing the church and abutting a courtyard at located 279 South Main Street. Ms. Kunsman recommended approval subject to the findings and special conditions of approval.

Commissioner Tabladillo suggested the following conditions be added to the project:

- Before building permit issuance, the applicant must show an automatic top-off water pump for the water feature of the Grotto to prevent future overflow or motor burnout issues to low levels of water.
- St. John's church will be held responsible to maintain the condition of the Grotto, including the quick repair of any graffiti or vandalism that may occur.

Motion to approve Site & Architectural Review No. SA07-0006 based on the findings and special conditions of approval with the two added conditions noted above.

M/S: Tabladillo/Ali-Santosa

AYES: 2

NOES: 0

II. ADJOURNMENT

This meeting was adjourned at 7:00 p.m.

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**I.
PLEDGE OF
ALLEGIANCE**

Chair Williams called the meeting to order at 5:30 P.M. and led the Pledge of Allegiance.

**II.
ROLL CALL**

Present: Ali-Santosa, Ciardella, Sandhu and Williams
Late: Mandal and Tabladillo
Staff: Ah Sing, Bejines, Hom, Kunsman, Lindsay, Maxwell, Ogaz and Reliford

**III.
PUBLIC FORUM**

Chair Williams invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendaize the matter for a future meeting.

There were no speakers from the audience.

**IV.
APPROVAL OF MINUTES
January 9, 2008**

Chair Williams called for approval of the minutes of the Planning Commission meeting of January 9, 2008.

There were no changes to the minutes

Motion to approve the minutes of January 9, 2008.

M/S: Sandhu/Ciardella

AYES: 4

NOES: 0

**V.
ANNOUNCEMENTS**

James Lindsay, Planning and Neighborhood Services Director, announced there is enough in the training budget to send all six Planning Commissioners to the Planners Institute which will be held at the Sacramento Convention Center from March 26-28. Please let Veronica Bejines know by February 1st.

Mr. Lindsay also congratulated Veronica Bejines on her nomination for the Gene Schwab award and encouraged the Commissioners to attend the luncheon which will be held on Monday, January 28th from 11:30 to 1 p.m. at the Embassy Suites hotel.

Chair Williams announced that Norman Azevedo has submitted his resignation and wished him well. He would like to recognize him at a future meeting when he is feeling better.

APPROVED

Planning Commission Minutes

January 23, 2008

**VI.
CONFLICT
OF INTEREST**

City Attorney Mike Ogaz asked if any member of the Commission has any personal or financial conflict of interest related to any of the items on tonight's agenda.

There were no commissioners who identified a conflict of interest.

Commissioner Tabladillo arrived at 5:38 p.m.

**VII.
APPROVAL OF
AGENDA**

Chair Williams called for approval of the agenda.

There were no changes to the agenda.

Motion to approve the agenda as submitted.

M/S: Sandhu/Ali-Santosa

AYES: 5

NOES: 0

**VIII.
CONSENT CALENDAR**

Chair Williams asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

There were no items on the consent calendar.

**IX.
PRESENTATION**

**1. AMERICAN
INSTITUTE OF
ARCHITECTS
PRESENTATION (AIA)**

Patrice Reid with the AIA introduced Hari Sripadanna from the AIA who provided an educational training program to the Planning Commission.

Vice Chair Mandal arrived at 5:56 p.m.

Commissioner Sandhu asked Mr. Sripadanna to elaborate on urban sprawl. Mr. Sripadanna said urban sprawl means continued expansion of houses. At some point, it is an inefficient way of communicating and he encourages subsidized housing.

Commissioner Sandhu said it is sometimes difficult for a client to understand Planning terms and asked what the best way to communicate is. Mr. Sripadanna said the best way would be to visit the AIA's website where there are literature and materials available.

Vice Chair Mandal felt that alternative energy needs to be expanded and asked how this problem could be tackled. Mr. Sripadanna suggested that awareness and education is a good place to start and also communication.

Vice Chair Mandal asked what cities have better planning policy in terms of looking ahead. Mr. Reprinanda said many of the Bay Area cities are thinking ahead and are setting good examples to the rest of the country.

Commissioner Tabladillo asked if cities are going to start using 3-D models to demonstrate what projects will look like. Mr. Sripadanna said that the software is called sketch up software and it originates from Denver. He is not sure how many cities are using the software however it is much more affordable now.

Chair Williams agreed with Commissioner Tabladillo about the 3-D concept because it is clearer to look at as far as infrastructure.

Commissioner Ciardella asked if the AIA does this type of training throughout the Bay Area. Mr. Sripadanna said that in celebrating their one year centennial, they are offering a free one hour seminar throughout the Bay Area. In addition, they also offer more specific training.

Commissioner Ciardella suggested that the new commissioner attend one of their trainings.

Chair Williams asked how architects plan for catastrophic events. Mr. Sripadanna said architects are always coming up with ideas on disaster preparedness.

BREAK

The Planning Commissioners took a break at 6:45 p.m. for the Planning Commission Subcommittee meeting.

The meeting resumed at 7:00 p.m.

X. PUBLIC HEARING

2. "S" ZONE APPLICATION NO. SZ2007-18, USE PERMIT NO. UP2007-0015, VESTING TENTATIVE MAP NO. MI2007-0002 AND DENSITY BONUS NO. DB2008-0001

Cindy Maxwell, Project Planner, and Felix Reliford, Principal Housing Planner, presented a request for a 387-unit apartment project in three buildings located on 5.9 acres at 1504 -1620 South Main Street. The project would provide studio, one and two-bedroom apartments in four-story buildings. The Use Permit application requests to reduce front and street side building setbacks. The Vesting Tentative Map is for condominium purposes and provides public streets and three privately owned parcels. The tentative map would vest the applicant with the ability to convert the apartment project to condominiums at an undetermined date in the future. Ms. Maxwell recommended the Commission open the public hearing, adopt Resolution No. 08-004 recommending approval to the City Council with findings and conditions of approval. Ms. Maxwell pointed out that the Commission received a copy of the revised resolution and a letter from the applicant.

Chair Williams asked that Ms. Maxwell go over all of the changes made to the resolution and she did.

Commissioner Sandhu asked if the Aspen apartments are not completed will Trammell Crow Residential buy the property. Mr. Reliford said that if for some unforeseen reason the Aspen apartments have not been constructed, Trammell Crow will be responsible to provide the affordability units onsite with their project.

Mr. Lindsay said the 15% affordable would allow Trammell Crow a density bonus of 10% and the obligation to provide affordable housing is on the agency to comply with state law.

Commissioner Sandhu asked who is developing the Aspen apartments. Mr. Reliford said Trammell Crow has no obligation to develop that property they are only interested in financial assistance.

Vice Chair Mandal asked if the developer is meeting the requirements for the total park area of the three buildings. Ms. Maxwell said there is a requirement for park dedication for every residential development in the City and the developer is meeting that requirement by either dedicating park land or paying an in-lieu fee.

Commissioner Ali-Santosa said the wall next to the railroad track is 8 feet tall and asked if this is standard height? Ms. Maxwell said it depends on the project. The wall is not needed to reduce noise inside the units but is used to provide a safety boundary and aesthetic boundary between the project and the railroad line.

Chair Williams asked if the applicant can answer questions related to the soil report and Ms. Maxwell said yes.

Chair Williams asked if the color scheme was presented in the packet and Ms. Maxwell said no however the applicant will provide details in their PowerPoint presentation.

Commissioner Tabladillo agreed with Chair Williams about the need for color elevation designs to see how the buildings are broken up.

Commissioner Ciardella asked if the applicant will have shared driveways. Ms. Maxwell said a new public street will be constructed at the north end of the site and it will have two lanes. When the property adjacent to the north side of the site is developed, the remainder of the street will be constructed and parking will be provided on one side.

Commissioner Tabladillo asked what other projects in this area have a six story parking garage? Ms. Maxwell said the Centria project has a wrap around parking garage that is not visible from the outside. She said the parking garage is 6 ½ stories because ½ story is underground. It does not exceed the maximum height in feet in the R4 zoning district but does exceed the five story maximum because the height of each of the stories in the parking garage is less than a dwelling unit.

Chair Williams introduced the applicant.

Tim Tosta, Luce Forward, Land Use Lawyer for Trammell Crow, 121 Spear Street, San Francisco, CA, said they did submit color drawings and not sure why they did not arrive to the Planning Commissioners, however they will focus their PowerPoint presentation on the architecture.

David Obitz, KTGy Group Architecture and Planning, 17992 Mitchell South, Irvine, CA, presented a PowerPoint presentation on the Alexan project.

Chair Williams asked if the sidewalks are textured and Mr. Obitz said the sidewalks will be colored concrete.

Chair William asked what is the size and species of the trees? **Ned Smith, Smith and Smith Landscape Architects, San Francisco, CA**, said the trees are 24 inch box trees along the street. The trees on South Main Street are fast growing Scarlett Oak trees and the trees on the interior streets are large Sycamore trees.

Chair Williams asked what size trees will be in the median and Mr. Smith said they are 24 inch box trees.

Chair Williams said his main concern is how to soften the view of the project for the Pines residents and Mr. Smith said there is a lot of landscape on the project.

Chair Williams said various metals were found in the soil report and asked if the top soil would be removed prior to construction? **Peter Solar, Trammell Crow Residential, 1810 Gateway Drive, San Mateo, CA**, said they did a second study and identified the area near the railroad tracks. The soil will be removed and replaced with clean fill. There will be a consultant that will oversee the project.

Vice Chair Mandal asked if the public could use the pool and outdoor barbeque area and Mr. Obitz said it is for residential use only and is in a gated area.

Vice Chair Mandal asked if there are other open areas. Mr. Obitz said the courtyard in building one is not gated.

Vice Chair Mandal asked if the public could use the paseos and Mr. Obitz said it is up to the Homeowners Associations (HOA).

Vice Chair Mandal asked who is responsible for maintaining the outdoor areas and Mr. Obitz said Trammell Crow and their property management is responsible for maintaining the property and making it an attractive place to live.

Chair Williams pointed out that staff found the color board and wants to make sure it is part of the record.

Commissioner Sandhu asked if a vibration study was done on passing trains on the railroad tracks and what the findings were. Mr. Solar said the noise study indicated that the vibrations from the train would not be an issue.

Chair Williams asked if the City has received complaints in regards to noise along the railroad tracks. Mr. Reliford said it was a concern several years ago for the Terrace Gardens residents however there have been no complaints in recent years.

Commissioner Sandhu asked if building No. 2 has two levels of parking garages and Mr. Obitz said yes.

Commissioner Sandhu asked what the height is and or depth of the lower level and Mr. Obitz said it is about seven feet down in the ground and three feet above grade.

Commissioner Sandhu asked how big is the clubhouse and Mr. Obitz said it is 2,000 square feet.

Commissioner Tabladillo is concerned that there is not enough open space and felt that an urban village means having more amenities then just a plaza area. She is also concerned that there is no parking near the third building and that people will have to walk far.

Mr. Obitz said it was a very challenging site to begin with and they were following direction from City staff and have been as flexible as possible.

Commissioner Tabladillo is also concerned that there is only one exit of the parking garage? Mr. Obitz said that traffic will be distributed evenly on the shared drive.

Commissioner Tabladillo said it is a decent design and felt the stoops were a great idea, however she is looking for something with more excitement for the citizens to be proud of.

Commissioner Ciardella asked who will be the target audience. Mr. Solar said that they will target people who recently graduated from college, 25 to 35 year olds, empty nesters and newly married couples.

Commissioner Ciardella asked if there will be a tot lot for kids and Mr. Solar said no and Commissioner Ciardella suggested that a tot lot be included as part of a condition of approval.

Chair Williams asked if speed humps will be installed and Attorney Tim Tosta said that would be the City's responsibility.

APPROVED
Planning Commission Minutes

January 23, 2008

Commissioner Ali-Santosa asked if there is an option to build connectors between building three and the garage. Mr. Solar said that staff had suggested that however since there is a gas line on Cedar, they wouldn't be able to build it.

Chair Williams opened the public hearing.

Guy Haas, 1277 Fallen Leaf in the Pines Neighborhood and member of Pines Home Owners Association (HOA), said that Trammell Crow was a pleasure to work with. He encouraged staff to look into constructing two right turn lanes from southbound Main onto Montague to help alleviate the traffic. He also suggested that in the future, if a school locates directly behind the Alexan project, the City build a pedestrian connector over the rail line. He also thanked Planning staff for referring to Jerry's Market as a liquor store, not a convenience store, in the staff report.

Russ Bargstadt, 1307 Stardust Way and President of Pines HOA, echoed Mr. Haas comments and said Trammell Crow was very good in communicating with the Pines. They held neighborhood meetings and met with the Board at least three times to go over plans and addressed their concerns in good faith. He is unaware of major concerns within the Pines about the project and felt that it will be much better than what is out there right now. The Pines HOA and Trammell Crow do have an agreement that upon commencement of the project and if the project gets approved, Trammell Crow will replace the sound wall from Cedar Way pass Jerry's Market to make for a better design. He does have concerns regarding traffic and would like to see more retail at the end of South Main Street.

Bob Whitecar, employee at 1452 South Main Street, said he is concerned about parking because he has to park on the City street. He is also concerned about minimum height levels in the parking garage and asked how a van would be able to park there.

Frank De Smidt, Economic Development Commission and Parking Task Force member, said he would like the developer and staff to give a description of how the tenant parking and guest parking would be laid out and how many tandem parking spaces there are because he felt the neighborhood residents could be impacted.

Motion to close the public hearing.

M/S: Sandhu/Mandal

AYES: 6

NOES: 0

Chair Williams requested that at a future meeting, the Traffic Engineer provide an update about current traffic conditions on South Main Street and Mr. Lindsay said yes.

Chair Williams asked the applicant to respond to Mr. Whitecar's concern about adequate clearance for large vehicles in the parking garage.

Mr. Obitz said smaller vans could park inside the parking garage and larger vehicles such as moving vans and delivery trucks would have to park on the street. In building 2 there is a limited amount of guest parking, however the parking garage in building 1 has an abundance of guest parking.

Commissioner Sandhu said he would be concerned that a tow truck would not fit inside the parking garage in case of an emergency. Mr. Obitz said it would allow for a truck but would not allow for a flat bed to put a car on top.

APPROVED
Planning Commission Minutes

January 23, 2008

Commissioner Sandhu suggested that parking spaces be marked for residents. Mr. Obitz said that the HOA will create a parking distribution plan for the residents so every stall will be assigned to a unit and guest parking will be labeled.

Chair Williams proposed a condition of approval that staff review the parking distribution plan separately.

Chair Williams commended the applicant for working well with the residents and felt they should be a model to other developers and the other Commissioners echoed his comments.

Commissioner Tabladillo requested that at a future meeting, staff provide an overview of all the projects currently approved in the Midtown Area and Mr. Lindsay said yes.

Commissioner Tabladillo said she is very concerned that Building 3 is not close to the parking garage and is concerned about the residents walking far to their home. She suggested allocating parking for residents in building 3. She would also like to see more open space especially for kids and echoed Commissioner Ciardella's suggestion about a tot lot.

Chair Williams also suggested conditioning the project to have a tot lot, but to have the foundation set aside for the tot lot, and in the future, if Trammell Crow's demographics change, then a tot lot would be built.

Motion to approve "S" Zone Application No. SZ2007-18, Use Permit No. UP2007-0015, Vesting Tentative Map No. MI2007-0002, Density Bonus No. DB2008-0001 and Adopt revised Resolution No. 08-004 recommending approval to the City Council with findings and conditions of approval add the following two special conditions:

- Prior to Building Permit issuance, the applicant shall submit a parking plan of the garages to the Planning Division, showing the parking assignments of the units with preference given to parking spaces for Building 3.
- The location of a future tot lot shall be identified on the landscaping plans submitted for Building Permit in the event one is needed within the project.

M/S: Mandal/Sandhu

AYES: 6

NOES: 0

BREAK

The Planning Commission took a break at 9:30 p.m.

The meeting resumed at 9:40 p.m.

XI. NEW BUSINESS

3. ZONING CODE AMENDMENTS

Sheldon Ah Sing, Project Planner, presented a discussion on Entitlement, Permit Streamlining and the Public Hearing Notification process and seeks concurrence and direction from the Planning Commission.

Commissioner Tabladillo asked why does approval for a chain link fence need to go to Subcommittee and not just stay with staff. Mr. Lindsay said staff is trying to discourage chain link fences in the Midtown Area and wants to encourage higher quality material so most applicants would not want to go to Subcommittee and therefore will go with the higher quality.

APPROVED
Planning Commission Minutes

January 23, 2008

City Attorney Mike Ogaz asked how does the proposal that multi-family additions greater than 200 square feet be reviewed by staff change from what is currently in the code. Mr. Ah Sing said that right now, single-family home additions in the R1 and R2 district over 200 feet have to go to Subcommittee and staff if trying to reduce the burden by having it reviewed directly by staff.

Chair Williams asked if telecom towers will be reviewed by the Planning Commission or Subcommittee. Mr. Lindsay said currently telecom communication facility requires a Use Permit however staff will review it and come back with suggestions to streamline the process.

Mr. Lindsay suggested that staff review and approve antenna stealth designs and the Planning Commission review monopoles and freestanding structures that include stealth designs.

Vice Chair Mandal asked for clarification on freestanding signs up to 6 feet in non-residential areas. Mr. Lindsay said there are a lot of changes to freestanding signs in the business districts and staff would like to approve them instead of them going to Subcommittee to expedite the process.

Chair Williams suggested that staff revise full store supermarkets within a 1,000 feet be reviewed by the Planning Commission be revised to 2,000 feet.

Chair Williams asked about projects containing public controversy. Mr. Ah Sing said that staff can approve minor changes, the Subcommittee can approve significant changes without public controversy and controversial projects go directly to the Planning Commission.

Chair Williams asked how much improvement the City will see by staff streamlining the zoning code. Mr. Lindsay said he looked at a years worth of Subcommittee items and there is a considerable time savings overall for the time an applicant has to wait for a decision.

Commissioner Ciardella asked if a customer's project is denied by staff, could he or she appeal the project to the Planning Commission. Mr. Lindsay said that staff needs to look at the appeal process within the Municipal Code in the zoning chapter to make sure there is recourse.

Commissioner Tabladillo asked if the fees will change and Mr. Lindsay said yes. Items that go to the Subcommittee are charged \$250 and there is no charge for over the counter approvals.

Chair Williams asked staff to proceed on with the Zoning Code Amendments on behalf of the Commission.

**XII.
ADJOURNMENT**

The meeting was adjourned at 10:05 p.m. to the next regular meeting of February 13, 2008.

Respectfully Submitted,

James Lindsay
Planning & Neighborhood
Services Director

The foregoing minutes were approved by the Milpitas Planning Commission as submitted on February 13, 2008.

Veronica Bejines
Recording Secretary

APPROVED
Planning Commission Minutes
January 23, 2008